

**Colton Joint Unified School District**

1212 Valencia Drive, Colton, California 92324

(909) 580-5000

May 24<sup>th</sup>, 2004

Gary M. Stine  
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FCC - MAILROOM

Federal Communications Commission  
 Office of the Secretary  
 445 - 12th Street, SW  
 Washington, DC 20554

RE: CC Docket Number 02-6  
 Request for Waiver

To Whom It May Concern:

This is a request for waiver of the 120-day filing deadline for FCC Form 486 for:

Entity Name: Colton Joint Unified School District  
 Billed Entity Number: 143716  
 FCC Form 471 #: 366876  
 Funding Request Numbers: 997997, 999023, 999032, 999038, 999994

These Funding Request Numbers (FRNs) were approved by the SLD on the Funding Commitment Letter (FCDL) dated November 18, 2003

Granting this waiver would benefit the public good because it would allow Colton JUSD to receive discounts on qualified telecommunications services for the period of July – December 2003. These services have already been approved by the SLD but can not be received without granting of this waiver.

Colton Joint Unified School District (Colton) is requesting a waiver of the 120 day deadline for filing the FCC Form 486 (Form 486). The basis for this request is that Colton JUSD filed the Form 486 online within the required timeline but due to technical difficulties with the SLD website, the Colton JUSD application was not completely processed. As soon as the error was discovered by Colton JUSD the application was resubmitted but this was beyond the 120 day window. The details are as follows:

Colton JUSD received a Funding Commitment Decision Letter (FCDL) dated November 18, 2003. According to program rules, Colton JUSD has 120 days from the date of the

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FCDL to file the Form 486. The SLD accepts the date that the Form 486 is filed online as meeting the 120 day requirement. Colton JUSD has retained Livesey Powell Consulting (consultant) to assist with the e-rate process. On December 22, 2003 the consultant filed the Form 486 (well within the 120 day deadline). During the filing process, some difficulties were encountered with the website process. This was reported to the SLD help desk (Case number 21-010888). During the difficulties, the consultant recorded the 486 Application number and security code on a copy of the FCDL. After working with the SLD help desk, the consultant submitted the Form 486 and printed a copy. At this point in time Colton JUSD was operating under the belief that the Form 486 had been filed in a timely manner because the SLD Web system allowed the consultant to print the paper copy (typically the last step in submitting the form).

On a prior Form 486 submittal the consultant had encountered a problem and completed the form by hand. This clearly demonstrates that when Colton JUSD is aware of processing problems, the required Forms are filed offline. Subsequent to December 22, 2003, but still within the 120 day window, the consultant filed a different Form 486 for different FRNs online without error. If Colton had any reason to believe that the Form 486 for the FRNs in question was not processed, they simply would have included these FRNs with the subsequent Form 486 filing.

On April 8, 2002, Colton JUSD was contacted by a vendor indicating that they had not yet received notification from the SLD regarding the Form 486 filing. This inquiry was received after the Form 486 120 day window was past. The Consultant contacted the SLD help desk and was informed that the Form 486 was in an "incomplete" status. While on the telephone with the SLD help desk, the consultant immediately resubmitted the Form 486. The date recorded by the SLD website was the resubmitted date and not the original submittal (December 22, 2003).

Colton JUSD is requesting this waiver because the Form 486 was received past the 120 day window due to technical difficulties experienced by the consultant on December 22, 2003. The fact of the Form 486 attempted filing and the fact that the consultant worked with the SLD help desk on December 22, 2003 to resolve those problems can be substantiated by examining the SLD help desk Case number 21-010888.

Thank you for your time and consideration of this appeal. Please contact my office if you have any questions at (909) 580-5000 Ext. 6562.

Sincerely,



Gary M. Stine